

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :

v. :

GLENN GRIFFIN, :

Defendant. :
-----X

ORDER

22 CR 390-1 (VB)

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/2/24**

By Order dated November 26, 2024, the Court directed defense counsel to advise the Court whether defendant Griffin objects to the government's request for an order allowing Griffin's prior counsel to discuss with the government Griffin's allegations of ineffective assistance of counsel, "in connection with Griffin's motion to withdraw his guilty plea." (Doc. #95).

By letter dated November 27, 2024, defense counsel states that Griffin "does not agree to waive the attorney-client privilege for any and all subject matter concerning his prior representation by Stephen G. McCarthy, or otherwise consent to Mr. McCarthy speaking with the prosecution concerning his representation" of Griffin. However, counsel also says that "[i]n the event that the Court concludes that a waiver has occurred . . . any waiver should be limited to the following topics: (1) discussions concerning the plea agreement, (2) discussions concerning the viability of the Aggravated Identity Theft charge (18 U.S.C. § 1028A), (3) discussions concerning Dena Burke, and (4) discussions concerning the plea that took place on August 26, 2024." (Doc. #96). But counsel does not state whether Griffin, by moving to withdraw his plea and making certain assertions by declaration in support thereof, has (or has not) waived his attorney-client privilege and the scope of any such waiver.

Accordingly, by December 3, 2024, defense counsel shall submit a letter in which he clearly and unequivocally states Griffin's position as to whether Griffin has waived his attorney-client privilege and the scope of any such waiver.

At the hearing scheduled for December 5, 2024, at 9:30 a.m., the foregoing matters, among others, will be addressed. As the Court previously ordered, Mr. Griffin, Ms. Griffin, Mr. McCarthy, and Ms. Hughes shall be prepared to answer the Court's questions under oath.

Dated: December 2, 2024
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge